

**STANDARDS PRESENTATION
TO
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Add New Subchapter 6.2 to read:

Subchapter 6.2. Permanent Amusement Ride Safety Orders

Article 1. Application and Definitions

§ 3195.1. Application.

(a) This Subchapter, consisting of four Articles, governs permanent amusement rides operated anywhere in the State of California. Article 3 applies only to aquatic devices, while Articles 1, 2, and 4 apply to all permanent amusement rides, including aquatic devices.

(b) For the purposes of Articles 1 through 4, the following designations in the document entitled “ASTM Standards on Amusement Rides and Devices, 6th Edition 2000,” are hereby incorporated by reference:

(1) ASTM F 698-94, “Standard Specification for Physical Information to be Provided for Amusement Rides and Devices,” Sections 1 through 3.

(2) ASTM F 770-93 (Reapproved 2000), “Standard Practice for Operation Procedures for Amusement Rides and Devices,” Sections 1 through 4.

(3) ASTM F 846-92 (Reapproved 1998), “Standard Guide for Testing Performance of Amusement Rides and Devices,” Sections 1 through 8.

(4) ASTM F 853-98, “Standard Practice for Maintenance Procedures for Amusement Rides and Devices,” Sections 1 through 6.

(5) ASTM F 893-87 (Reapproved 1995), “Standard Guide for Inspection of Amusement Rides and Devices,” Sections 1 through 5.

(6) ASTM F 1159-97a, “Standard Practice for the Design and Manufacture of Amusement Rides and Devices,” Sections 1 through 14.

(7) ASTM F 1193-97, “Standard Practice for an Amusement Ride and Device Manufacturer Quality Assurance Program,” Sections 1 through 7.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

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§ 3195.2. Definitions.

(a) In addition to the definitions given in this section, the definitions found at Section 344.6 of this Title also apply. Among others, the following terms are defined in Section 344.6: “as-built document,” “licensed engineer,” “new permanent amusement ride,” “permanent amusement ride,” and “owner or operator.”

(b) An “amusement ride incident” is any event, failure, or malfunction of a permanent amusement ride that:

(1) Results in the ride being closed to patrons for more than 12 consecutive hours; or

(2) Reasonably and substantially appears:

(A) To have an impact on the safety of patrons; and

(B) To be of a type that could occur in connection with rides of the same design.

(c) An "aquatic device" is a permanent amusement ride that involves the purposeful immersion of the patron's body partially or totally in the water. A permanent amusement ride which involves only incidental patron water contact, or which uses water primarily as a medium for carrying a conveyance vehicle, e.g., a log flume boat ride or a spillwater boat ride, is not an aquatic device.

(d) "Authorized person" means a person who:

(1) Has been authorized by the owner or operator, in a determination which defines the specific duties and rides to which the authorization pertains, to attend, operate, inspect, test, or perform maintenance on permanent amusement rides and associated equipment;

(2) Has successfully completed training (see Sections 3195.6 and 3195.7) in the duties to which the authorization pertains;

(3) Performs his or her duties within the scope of the authorization; and

(4) Is capable of reading and comprehending all written instructions, including those on operator controls, that are required to be available to or to be in view of a person performing duties within the scope of the authorization.

(e) A “DIN Standard” means a standard published by the Deutsches Institute of Normung.

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(f) An “existing permanent amusement ride” is either of the following:

(1) A permanent amusement ride that was placed in operation and opened to the public for the first time prior to November 5, 2001; or

(2) A planned permanent amusement ride that has been substantially designed, manufactured, or fabricated prior to [to be filled in by OAL].

(g) A “facility” means any contiguous property at a single location under the control of the owner or operator that contains one or more permanent amusement rides.

(h) A “flume” is a single descending pathway in or on a water slide.

(i) A “patron” means a member of the public who is not acting as an employee or agent of the owner or operator.

(j) “Public operation” means operation of an amusement ride with one or more patrons on board.

(k) A “ride” means a permanent amusement ride.

(l) A “splash pool” is a pool of water at the base of a flume, which constitutes the endpoint of a patron's travel along the flume.

(m) A “TUV Standard” means a standard published by the Technischer Überwachungs Verein or Technical Control Organization.

(n) A “water slide” is an aquatic device using flowing water to provide low friction so that patrons can slide along a flume. There may be one or more flumes used on a water slide.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3, 7921 and 7923, Labor Code.

Article 2. Requirements, Other than Recordkeeping and Transfer of Information, Applicable to
All Permanent Amusement Rides

§ 3195.3. Required Documentation.

(a) The owner or operator shall have and maintain at the facility all of the following documentation for each permanent amusement ride operated at the facility:

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- (1) Manufacturer-originated documentation indicating that the design and manufacture of the ride is in compliance with ASTM F 1159-97a. Such documentation shall include but not necessarily be limited to the design and calculation documents specified in Section 4.1 of ASTM F 1159-97a.

EXCEPTION NO. 1: If the ride was designed to comply with generally accepted design standards other than those in Section 4.1 of ASTM F 1159-97a, e.g., DIN or TUV Standards, the owner or operator may substitute documentation of compliance with those standards. However, unless EXCEPTION NO. 2 applies, these documents shall suffice only if they provide a level of detail comparable to that specified by Section 4.1 of ASTM F 1159-97a. NOTE: See additional restrictions applicable to new permanent amusement rides in Section 3195.4.

EXCEPTION NO. 2, FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If the owner or operator cannot obtain all or part of the required documentation because it is reasonably believed not to exist or is not reasonably available from the manufacturer, the owner or operator shall comply by having and maintaining that documentation which is reasonably available from the manufacturer. If that documentation is missing information on performance characteristics or forces on passengers, the owner or operator shall have and maintain alternative documentation containing the missing information to the extent such information is necessary for a reasonably adequate evaluation of the safety of any ride.

- (2) Documentation of each of the following with reference to Sections 5 through 8 of ASTM F 846-92 (Reapproved 1998):

(A) Manufacturer-originated developmental and installation testing procedures conforming to the specifications of Sections 5 and 6.

(B) Manufacturer-originated operational and nondestructive testing procedures conforming to the specifications of Sections 7 and 8.

EXCEPTION NO. 1 FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of subsection (2)(A) is reasonably believed not to exist or is not reasonably available, the owner or operator shall comply with subsection (2)(A) by having and maintaining that documentation which is reasonably available.

EXCEPTION NO. 2 FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of subsection (2)(B) is

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reasonably believed not to exist or is not reasonably available, the owner or operator shall comply with subsection (2)(B) by having and maintaining that documentation which is reasonably available and by having and maintaining documentation containing effective operational and nondestructive testing procedures that conform to the specifications of Sections 7.2.2 through 7.2.4, 8.1 through 8.1.3, and 8.1.6 through 8.1.9 of ASTM F 846-92 (Reapproved 1998). The testing procedures described in this documentation shall be in compliance with the following additional requirements:

1. Testing frequency shall be specified.
 2. The operational limits of the ride and the specifications used to evaluate testing results shall be established by the owner or operator using all manufacturer-originated information that is reasonably available and relevant as well as whatever additional information is necessary to ensure that the operation of the ride is within the design limitations of the ride.
- (3) Documentation of each of the following with reference to Sections 4 through 6 of ASTM F 853-98:
- (A) Manufacturer-originated maintenance instructions that conform to the specifications of Section 4 of ASTM F 853-98.
 - (B) Mandatory maintenance procedures that conform to the instructions required by subsection (A), conform to the specifications of Sections 5 and 6 of ASTM F 853-98, and include an effective program of training to be provided to all employees performing maintenance. The training program shall conform to the specifications of Section 6.2 of ASTM F 853-98, include a manual containing the training subject matter, and specify the length of initial and refresher training as well as the frequency of refresher training.

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of subsection (A) is reasonably believed not to exist or is not reasonably available, the owner or operator shall comply with subsection (A) by having and maintaining that documentation which is reasonably available, and shall comply with subsection (B) by having and maintaining effective maintenance procedures. The maintenance procedures shall conform to whatever manufacturer-originated maintenance instructions are reasonably available and shall include, but not necessarily be limited to, each of the following:

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1. A description of the ride or device operation, including the function and operation of its major components.
2. A description of the motions the ride is designed to undergo while in operation.
3. Lubrication procedures, including types of lubricants and frequency of lubrication, and a lubrication drawing, chart, or other effective means of showing the location of lubrication points.
4. A description, including a schedule, of all maintenance inspections and testing to be performed on the ride.
5. Maintenance procedures for electrical components, as well as schematics of electrical power, lighting, and controls.
6. Maintenance procedures and schematics for all hydraulic and pneumatic systems on or used to control the ride, which shall include component locations; location charts; fluid, pressure, line, and fitting specifications; and troubleshooting guidelines.
7. Specifications for the use of replacement fasteners and, when applicable, for torque requirements for fasteners.
8. A checklist to be made available to each person performing the regularly scheduled maintenance on each ride or device.
9. Procedures for performing documented and signed pre-opening inspections, to be conducted each day prior to public operation. The pre-opening inspection shall include, but not necessarily be limited to, the items listed in Section 6.3 of ASTM F 853-98.
10. A program of training to be provided to all employees performing maintenance. The training program shall conform to the specifications of Section 6.2 of ASTM F 853-98, include a manual containing the training subject matter, and specify the length of initial and refresher training as well as the frequency of refresher training.

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11. Procedures to be followed in the event of any unscheduled cessation of operation of the ride. The procedures shall require that, when an unscheduled cessation of operation occurs, the ride cease operation with patrons on board until inspection or test-operation of the ride has demonstrated that the ride is functioning properly.

(4) Mandatory operation procedures conforming to the specifications of Sections 4.1 through 4.1.4.4 of ASTM F 770-93 (Reapproved 2000). The owner or operator shall ensure that each of the following are incorporated into the operation procedures:

(A) Manufacturer-originated information and recommendations conforming to the specifications of Section 3 of ASTM F 770-93 (Reapproved 2000).

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of subsection (a)(4)(A) is reasonably believed not to exist or is not reasonably available, the owner or operator shall comply by having and maintaining that documentation which is reasonably available and by having and maintaining whatever additional documentation is necessary to provide an effective informational basis for the procedures developed in conformance with Section 4.1 through 4.1.4.4 of ASTM F 770-93 (Reapproved 2000).

(B) A procedure for promptly notifying the applicable manufacturer, if known, of any event, failure, or malfunction that reasonably and substantially appears:

(1) To have an impact on patron safety; and

(2) To be of a type that could occur in connection with rides of the same design.

(C) A detailed description of all signal systems' procedures and testing used by the owner or operator (see Section 3195.9(d)).

(D) Procedures for implementing patron restrictions, where necessary to assure operation of the ride in a manner that is safe for all patrons. These procedures shall, at a minimum, implement all specific manufacturer recommendations listed in Section 2.6 of ASTM F 698-94, to the extent such recommendations exist and are reasonably available. Patron restrictions consist of denial of entry to the ride, provision of warnings to patrons, or special provisions for a patron's use of the ride. Patron restrictions may be implemented individually or in any combination,

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provided the restriction or combination of restrictions chosen is an effective protective measure for the special consideration addressed by the restriction. Special considerations include patron weight, patron size (e.g., height or other body dimension), and special needs due to the patron being a child or having a physical disability, an apparent mental disability, or a health condition that affects rider safety.

NOTE: This subsection is not intended to require any action that would constitute unlawful discrimination under state or federal law.

(E) An effective program of training to be provided to all operators and attendants in conformance with the specifications of Section 4.1.3 of ASTM F 770-93 (Reapproved 2000). The training program shall include a manual containing the training subject matter and shall specify the length of initial and refresher training as well as the frequency of refresher training.

(5) Documentation indicating that the manufacturer's quality assurance program followed for the ride is in conformance with ASTM F 1193-97 and Section 5 of ASTM F 893-87 (Reapproved 1995).

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of this subsection is reasonably believed not to exist or is not reasonably available, the owner or operator shall comply by having and maintaining that documentation which is reasonably available.

(6) All of the information applicable to each ride as specified in ASTM F 698-94.

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of this subsection is reasonably believed not to exist or is not reasonably available, the owner or operator shall comply by having and maintaining that documentation which is reasonably available, and by having and maintaining additional documentation as necessary to provide the information called for by the applicable provisions of Sections 2.2.5 through 2.5 and 2.7 through 2.15.3 of ASTM F 698-94.

(b) All documentation and records listed in subsection (a) of this section shall be made available to the Division upon request.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3, 7921 and 7923, Labor Code.

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§ 3195.4. General Design and Manufacture.

New Permanent Amusement Rides. No new permanent amusement ride shall be opened to the public unless it was designed and manufactured in conformance with the specifications of ASTM F 1159-97a and ASTM F 1193-97.

EXCEPTION: A new permanent amusement ride may be open to the public if it conforms with the design standards set forth in other generally accepted standards, e.g., DIN or TUV Standards provided that the owner or operator can demonstrate that such compliance ensures patron safety comparable to that provided by compliance with ASTM F 1159-97a and ASTM F 1193-97.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3, 7921 and 7923, Labor Code.

§ 3195.5. Required Testing.

(a) No permanent amusement ride shall be operated with patrons on board unless the owner or operator has documentation demonstrating the proper performance of the ride through testing performed in conformance with the specifications of the documentation required by subsections (a)(2)(A) and (a)(2)(B) of Section 3195.3.

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES ONLY: If complete documentation meeting the requirements of Section 3195.3(a)(2)(A) is reasonably believed not to exist or is not reasonably available, the ride may be open to the public if the owner or operator has documentation demonstrating the proper performance of the ride through testing performed in conformance with the specifications of the documentation required by Section 3195.3(a)(2)(B).

(b) All testing performed by the owner or operator pursuant to this section shall be conducted by an authorized person.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.6. Maintenance, Inspection, and Related Training.

(a) The owner or operator shall follow the procedures specified in the documentation required by Section 3195.3(a)(3)(B), and shall provide training as specified in that documentation to each employee performing those procedures.

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(b) All maintenance and inspection functions shall be performed by an authorized person.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.7 Operation Procedures and Related Training.

(a) The owner or operator shall follow the operation procedures specified in the documentation required by Section 3195.3(a)(4) for each permanent amusement ride, and shall provide training as specified in that documentation to each ride operator and attendant.

(b) The owner or operator shall use effective signs, videos, or other similarly effective means of advising patrons of those instructions, limitations, and warnings deemed necessary for patron safety by the owner or operator, including those maintained as part of the procedures required by Section 3195.3(a)(4)(D). When signs are used for this purpose they shall be permanently and conspicuously posted at each permanent amusement ride.

(c) The owner or operator shall ensure that, at all times while the facility is open to the public, at least one person employed by or under the control of the owner or operator has current certification in first aid and cardiopulmonary resuscitation (CPR) from the American Red Cross or another nationally recognized organization and is readily available to render first aid and CPR to patrons as needed.

(d) Complete operation instructions for each permanent amusement ride shall be readily accessible to the operators and attendants of the ride.

(e) All ride operation and attendant functions shall be performed by an authorized person.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.8. Physical Information and Adherence to General Safety-Related Operating Parameters.

(a) The owner or operator shall not operate any permanent amusement ride with patrons on board in a manner inconsistent with the specifications of the documentation required by Section 3195.3(a)(6).

EXCEPTION FOR EXISTING PERMANENT AMUSEMENT RIDES: If any of the
manufacturer-originated information specified by Sections 2.2.1 through 2.2.8 of

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ASTM F 698-94 is reasonably believed not to exist or is not reasonably available, the owner or operator, at a minimum, shall have permanently affixed to the ride the name and address of the manufacturer, if known, the ride name or description, the model or serial number, if known, the maximum number of patrons, and the maximum design speed of the ride. The required information shall be legibly impressed on a metal plate or equivalent and readily visible and legible at all times.

(b) All permanent amusement rides shall be identified by a registration number, which shall be provided by the Division. This registration number shall be kept with other pertinent records for the amusement ride and shall be permanently affixed by a Division representative to the ride.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.9 Motion Restriction and other Specific Hazard Control Measures.

(a) Emergency Brakes and Devices.

Ride conveyance vehicles shall be provided with emergency brakes or other equally effective emergency stopping controls, if upon failure of normal stopping controls, collision may reasonably be expected to occur and result in patron injury or equipment damage. Low speed vehicles designed for controlled collisions, such as bumper cars, do not require emergency stopping controls.

(b) Anti-Rollback Controls.

Each permanent amusement ride with a passenger conveyance vehicle that traverses an inclined track shall be provided with automatic anti-rollback controls, unless such controls would conflict with manufacturer recommendations.

(c) Speed Limiting Devices and Systems.

(1) Each permanent amusement ride capable of exceeding its maximum design operating speed shall be provided with a speed-limiting device or system to ensure that the ride cannot exceed that speed at any time while patrons are on board.

(2) Mechanical Governors.

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(A) If a mechanical governor with an adjustable setting is used as a speed-limiting device, the adjusting mechanism shall be sealed so that the speed setting cannot be changed without breaking the seal.

(B) If the seal is broken, the ride shall not be operated with patrons on board and the speed setting shall be readjusted and resealed per manufacturer specifications prior to reopening the ride to patrons.

(3) Other Speed Limiting Devices or Systems.

If a speed limiting device or system other than a mechanical governor is used to control the maximum speed of a permanent amusement ride, the device or system shall include safeguards to prevent the ride operator from being able to alter the maximum speed setting.

(d) Signal Systems.

(1) Signal systems shall be used and shall be adequate to do the following:

(A) Control the dispatching of rides as necessary to prevent collision due to any forward unit's failure to clear a stopping point.

(B) Control the operation of the ride so that neither starting nor stopping the ride results in an unsafe condition. In the case of starting the ride, the signal system shall require that, before the start signal is given, there is confirmation that all patrons are safely secured within the ride conveyance vehicle and all other persons are a safe distance from the ride.

EXCEPTION: A signal system is not required if the ride is controlled by a single operator who can clearly observe all phases of operation of the ride.

(2) All signal systems shall be tested at least once each day prior to the initial operation of the ride with patrons on board. No ride shall be operated if the signal system is not functioning properly.

(3) A written explanation of the use and testing of the signal system for each ride having a signal system shall be available at the operator's or signaler's stations.

(e) Protection of Patrons from Hazardous Surfaces and Moving Parts.

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(1) Surfaces of permanent amusement rides with which a patron may come in contact shall be free from sharp, rough, or splintered surfaces, edges and corners, and from unguarded or unprotected protruding studs, bolts, screws, and other projections. Surfaces that a patron may forcibly contact while in motion shall be adequately padded or otherwise designed and maintained to protect against injury.

(2) All moving parts with which patrons may come into contact shall be sufficiently guarded to protect against injury.

(f) Patron Retention, Restraint, and Support.

(1) All tubs, cars, chairs, seats, gondolas, and other carriers shall be equipped as necessary to provide protection against injury with devices that retain, restrain, or support the patron during all phases of ride movement. All fastenings shall be of a type that cannot be released inadvertently by the patron or by other accidental means.

(2) All belts, bars, fastenings, anchorages, footrests, and other equipment or devices intended for the protection of patrons while they are on permanent amusement rides shall be of adequate design for and be maintained to perform their intended function.

(g) Accessing and Exiting Permanent Amusement Rides.

All steps, ramps and walkways inside the site of the permanent amusement ride used by patrons for accessing and exiting the ride shall be of adequate design for and maintained to perform their intended function.

(h) Operation and Control of the Ride.

(1) All rides shall be operated and controlled only by authorized persons. All authorized persons designated to operate or control the ride shall be within immediate reach of the operating controls while the ride is in operation, even if automatic devices are used to control the time cycle of the ride.

(2) All rides shall have a stop switch within immediate reach of the authorized person or persons designated to operate or control the ride at all times while the ride is in operation.

(3) In addition to the stop switch required by subsection (h)(2), each electrically driven permanent amusement ride shall have a disconnect switch within reach of the authorized person for use in case of emergency. In lieu of this disconnect switch, a stopping device that must be manually reset may be used.

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(4) No permanent amusement ride shall be capable of starting immediately upon reset of any device required by subsection (h)(2) and (3).

(5) Equipment rooms, machinery rooms, and all other areas unsafe for access by patrons or other unauthorized persons shall be posted to forbid unauthorized access and locked, fenced, barricaded, or otherwise secured to prevent unauthorized access. Fences installed or replaced after [] to be filled in by OAL] shall be in conformance with the specifications of ASTM F 1159-97a.

(6) Electrically energized overhead screens used to power bumper car type rides shall be free of holes that are not part of the design.

(i) Electrical Wiring Affecting Permanent Amusement Rides.

The installation of all new electrical wiring for permanent amusement rides shall conform to the applicable requirements of the California Code of Regulations, Title 24, Part 3, California Electrical Code, 1998.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

Article 3. Aquatic Devices

§ 3195.10 Application.

The requirements contained in this Article apply only to aquatic devices.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.11 Operation and Maintenance.

(a) The operation procedures required by Section 3195.3(a)(4) shall be supplemented for aquatic devices with the following:

(1) Written emergency procedures including, but not necessarily limited to, each of the following:

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(A) Procedures for cessation of operations to be followed where this is necessary to ensure patron safety in situations such as, but not necessarily limited to, a cutoff of the water supply or a power outage.

(B) Procedures for evacuating patrons from each aquatic device including the estimated evacuation time.

(C) Methods to direct the movement of patrons to safe areas and to keep them out of unsafe areas during emergency situations.

(D) Procedures for shutting off power, water, and pumps, and shutting off and turning on power-operated drains.

(2) The following instructions and procedures, provided with sufficient specificity to make them complete and effective:

(A) The staffing levels to be maintained during all times while the aquatic device is operating with patrons present. In determining the staffing level for an aquatic device, each of the following shall be considered:

1. The design and type of aquatic device.
2. The number of entrances to the loading platform.
3. The number of flumes and their proximity to each other.
4. The length of, and the duration of the patron's travel along, each flume.
5. The maximum patron capacity of the aquatic device by weight.
6. The maximum patron capacity of the aquatic device by number of patrons.
7. The manufacturer's recommended staffing requirement, if there is one, which shall constitute the minimum staffing level.

(B) Procedures for the control of patron movement along the entire pathway of travel from point of aquatic device entry to point of aquatic device exit.

(C) Procedures for controlling the intervals of time separating each patron's or patron group's slide down the flume.

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(D) A requirement to supervise all visible portions of the flumes of the water slide.

(E) Procedures for maintaining order among patrons in the splash pool and the splash pool area and for mitigating any patron behavior having the potential to constitute a safety hazard.

(F) Procedures for maintaining water quality within each aquatic device so that water will not pose a substantial health risk to patrons who may reasonably be expected to ingest it or otherwise be exposed to it.

(b) At all times that the aquatic device is in operation with patrons present, the owner or operator shall maintain staffing levels in compliance with the written operational instructions required by subsection (a)(2)(A) of this section. In addition, the owner or operator shall ensure that the following requirements are met:

(1) At least one attendant shall be located in the immediate vicinity of the water slide splash pool.

(2) Current certification to perform first aid and cardio-pulmonary resuscitation (CPR) by the American Red Cross or another nationally recognized organization shall be held by all personnel who:

(A) Supervise patrons at aquatic devices; or

(B) Interact with patrons for the purpose of controlling their usage of or movement through aquatic devices.

(c) The surfaces and edges of the aquatic device that patrons may contact shall be free from cutting or pinching hazards or any other hazards that may cause injury.

(d) If power is used to generate water movement for an aquatic device, at least one attendant shall have immediate access to a stopping device that will remove all power.

(e) Drains on aquatic devices shall be visible to at least one attendant.

(f) Entrances to and exits from aquatic devices shall be clearly marked.

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(g) Areas of ingress to and egress from aquatic devices, as well as walking surfaces in or on aquatic devices, shall be designed and maintained to drain standing water and to be slip resistant.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

Article 4. Recordkeeping and Information Transfer

§ 3195.12 Recordkeeping.

(a) The owner or operator shall make and maintain for at least five years, and make available to the Division upon request during any Division inspection, records of all of the following:

- (1) Training provided as required by Sections 3195.6(a) and 3195.7(a), including the date provided, the name of the employee trained, the type of training provided, and the length of the training session.
- (2) Maintenance, repair, inspection, and testing performed on each permanent amusement ride.
- (3) Accidents required to be reported by Section 344.15 of this Title.
- (4) Amusement ride incidents.
- (5) For aquatic devices only, testing performed to determine water quality and all determinations of staffing levels to be maintained at aquatic devices.

(b) Records of amusement ride incidents shall consist of any reasonable format chosen by the owner or operator which includes the name of the operator and describes the incident as well as any inspection and maintenance performed in response.

(c) The information on accidents recorded pursuant to this section shall include but not necessarily be limited to each of the following, to the extent reasonably available:

- (1) The date of occurrence of the accident.
- (2) The name of the ride and manufacturer of the ride where or on which the accident occurred.

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(3) A detailed description of the accident.

(4) The names, addresses, ages, and telephone numbers of all persons involved in the accident, including but not limited to those injured, the ride operators and attendants, and witnesses, if any.

(5) A description of the injury and treatment provided to the injured parties involved in the accident.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

§ 3195.13 Transfer of Information with Used Permanent Amusement Rides.

(a) The seller of a used permanent amusement ride shall, upon transfer of the ride to the new owner, provide with the ride a copy of all of the following:

(1) All manufacturer documentation and all operational and maintenance manuals that pertain to the ride and are within the seller's possession.

(2) Complete information describing any modification to the ride or any part thereof performed while in the seller's possession, and any other modifications to the extent known by the seller. If documentation or information pertaining to modifications has been lost, the seller shall provide full disclosure of what information is missing, to the extent known by the seller.

(3) A summary of all incidents reported to the manufacturer pursuant to the procedure required by Section 3195.3(a)(4)(B) of this Title and all accidents resulting in injury required to be reported to the Division by Section 344.15 of this Title.

(b) The purchaser of a used permanent amusement ride shall notify the manufacturer, if the manufacturer still exists, of the change of ownership.

(c) The purchaser of a used permanent amusement ride shall obtain from the manufacturer all updated owner, operational, and maintenance manuals and service bulletins to the extent they are available.

NOTE: Authority cited: Sections 142.3 and 7923, Labor Code. Reference: Sections 142.3 and 7923, Labor Code.

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§ 3195.14 Confidentiality.

The Division shall maintain the confidentiality of all documentation and records required by this Subchapter to the extent that the Division obtains such documentation and it is protected by Labor Code Section 6322 or any other applicable provision of law.

NOTE: Authority cited: Labor Code Sections 60.5, 7923 and 7928. Reference: Labor Code Sections 6322, and 7920 through 7928.